

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Daniel E. Ayer, Sr.

v.

Case No. 07-cv-304-SM


Richard Gerry, Warden, New Hampshire
State Prison

O R D E R

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated July 7, 2014, for the reasons set forth therein.

Petitioner's Motion to withdraw and forego the unexhausted claims, which are numbered 2(a) - 2(h) in the April 25, 2014 Order, is granted (doc. no. 56). This case will proceed on petitioner's Claims 1-9. The respondent shall file an answer to the amended petition, as to Claims 1-9, within thirty days of this order. The respondent shall file either (a) a summary judgment motion pursuant to LR 7.4, or (b) a statement representing that an evidentiary hearing is necessary to resolve disputed issues of material fact within sixty days of serving its answer.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

Date: July 30, 2014

cc: Daniel E. Ayer, Sr., pro se
Susan P. McGinnis, Esq.